

JAN 31 2008

Docket No.: 0397-0499PUS1

Application No. 10/543,006
Amendment dated January 31, 2008
Reply to Office Action of August 1, 2007

REMARKS***Status of the Claims***

Claims 1-19 are pending in the application. Claims 1-19 stand rejected. Reconsideration and allowance of all of the pending claims is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 1-19 are rejected under 35 U.S.C. §103 as being unpatentable over Ogawa '745 (U.S. Publication No. 2005/0081745) in view of Wider '334 (U.S. Patent No. 6,071,334). Applicants respectfully traverse this rejection for the following reasons.

Applicants note that Ogawa '745 is U.S. Patent Application Publication published on April 21, 2005. Ogawa '745 is based on a PCT Application filed February 3, 2003. The Ogawa '745 PCT application published (WO 03/066751) in Japanese on August 14, 2003. Since the Ogawa '745 PCT application did not publish in the English language the Ogawa '745 PCT application is only prior art as of its publication date of August 14, 2003. See 35 U.S.C. §102(e)(2).

The present application claims priority to JP 2003-028858 filed February 5, 2003. Applicants herewith submit a certified English translation of JP 2003-028858. Accordingly, Ogawa '745 is not prior art to the present application.

Applicants submit that Wider '334 also does not disclose or suggest the compound represented by formula (a) of claim 1. Accordingly, applicants respectfully submit that the pending rejection must be withdrawn. An early reconsideration and Notice of Allowance are respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark Konieczny, Reg. No. 47,715

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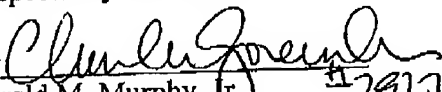
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at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 31, 2008

Respectfully submitted,

By 
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Attachment: Certified English translation of JP Application No. 2003-28858.